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P.O.S.T. Board Meeting

*Colorado Department of Law
1525 Sherman Street, Room 243
Denver, CO 80203
303-866-5692*

Friday March 9, 2012

S.M.E. Committee Meetings: 8:00 a.m. – 10:00 a.m.

P.O.S.T. Board Meeting: 10:00 a.m.

Introductions:

1. **Welcome** Attorney General John W. Suthers
2. **Introduction of Board Members, Staff, S.M.E. Members and Guests**
3. **Roll Call** Director Paul D. Schultz
Declaration of a Quorum (11)
4. **Approval of P.O.S.T. Board Minutes from December 2, 2011**
Approval of amended P.O.S.T. Board Minutes from June 3, 2011
5. **Presentation of Service Plaques** Attorney General John W. Suthers

Presentations:

6. **Subject Matter Expert (S.M.E.) Committee Reports:**

- | | |
|-----------------------------------|--|
| A. Curriculum | Sgt. David Edmondson, Chairman
Sgt. Darren O'Driscoll, Vice-Chairman
Sheriff Joe Pelle, Board Member |
| B. Arrest Control | Sgt. Richard "JJ" Webb, Co-Chairman
Cpl. Richard Stensgaard, Co-Chairman
Sgt. Louis A. Dixon III, Board Member |
| C. Firearms | Deputy Ed Kafel, Chairman
Tech. Robert Winckler, Vice-Chairman
S.A.C. James F. Yacone, Board Member |
| D. Law Enforcement Driving | Lt. Karl Smalley, Chairman
Sgt. Al Padilla, Vice-Chairman
Chief Heather A. Coogan, Board Member |

Action Items:

7. **Peace Officer Certification Revocation Actions** Attorney General John Suthers
Director Paul D. Schultz
Board Counsel Diane Marie Dash

A. **P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:**

§ 24-31-305, C.R.S.(2)(a) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section or 24-31-308 shall be suspended or revoked by the P.O.S.T. Board if the certificate holder has been convicted of a felony, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 C.R.S., or has otherwise failed to meet the certification requirements established by the Board.

For purposes of this rule, the term 'conviction' includes any deferred judgments or deferred sentences imposed by a court. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes are recognized in § 24-31-305(1.5)(b) thru (h), C.R.S.

1. No. M11-02, Jeffrey Patrick Marr, Certification No. B09138 (PID 112392). On November 16, 2010, Respondent pled guilty to one count of Assault 3 – Know/Reckless Cause Injury, §18-3-204(1)(a), C.R.S., a class 1 misdemeanor. *The Respondent was employed as a peace officer*

on the date of the offense (Date of Offense: July 19, 2010 – Separated: September 3, 2010). The Respondent did not comply with P.O.S.T. Show Cause Order M11-02. Director Schultz recommends revocation of Jeffrey Patrick Marr's Colorado Peace Officer Certificate No. B09138 (PID 112392).

2. Steven Floyd James Update: District Court appeal denied on January 30, 2012.
No. M11-03 Steven Floyd James, Certification No. 15524 (PID) 115175
Update: On February 16, 2011, Respondent was convicted, in a trial to the court, of one (1) count of Obstructing Firefighter/Medical, Section 18-8-104 (1) (a), C.R.S., a class 2 misdemeanor. *Respondent was employed as a peace officer on the date of the offense (Date of offense: March 27, 2010- Separated: January 11, 2011.)* Respondent petitioned the Board to **not** revoke his certificate within thirty (30) days after the effective date of the conviction. P.O.S.T. Rule 9(e) provides that the Board will hear the appeal if at least six (6) members of the Board vote affirmatively. That appeal was granted and a five-member panel was selected to hear the appeal. The decision of the five-member panel unanimously voted to hold in abeyance Mr. James' certification pending the outcome of his appeal process. The panel decision shall be deemed final Board action in this matter. **On January 30, 2012, the District Court denied Mr. James' appeal and upheld his POST disqualifying conviction.**

Informational Items:

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| 8. | Legislative Updates | Deputy Attorney General |
| | • Conditional Certification Update | Michael Dougherty |
| | • School Resource Officer Update | Director Paul D. Schultz |
| | • Sunrise Review Committee Update | |
| | ○ Municipal Prosecutors (approved by P.O.S.T. sub-committee) | |
| | ○ Department of Public Safety (approved by P.O.S.T. sub-committee) | |
| | ○ Fort Carson Police (approved by P.O.S.T. sub-committee) | |
| | ○ U.S. Postal Inspection Service (approved by P.O.S.T. sub-committee) | |
| | ○ Colorado Association of Animal Control Officers (NOT approved by P.O.S.T. sub-committee) | |
| | ○ Colorado Mounted Rangers (NOT approved by P.O.S.T. sub-committee) | |
| 9. | P.O.S.T. On-line Test Update | Director Paul D. Schultz |
| 10. | P.O.S.T. On-line Grant Application and Reimbursement Process FY 2012-2013 | Deputy Director Steve Neumeyer |
| 11. | S.M.E. Reimbursement Update | Director Paul D. Schultz |

12. **P.O.S.T. Grant Administrative Cost Update** Deputy Director Steve Neumeyer
13. **Course and Instructor Approval Update** Deputy Director Steve Neumeyer
14. **IACP Leading by Legacy Update** Deputy Director Steve Neumeyer
15. **Update on Tools for Tolerance** Director Paul D. Schultz
16. **Update on Suicide Prevention Project** Director Paul D. Schultz
17. **Update on Patrol In-Service Training Program** Director Paul D. Schultz
18. **Update on LETN Training Project** Director Paul D. Schultz
19. **P.O.S.T. Board Recruitment Update** Director Paul D. Schultz
20. **Handgun Instructor Course Review
(Inspection of Instructor Courses)** Director Paul D. Schultz
21. **Proposed Rule for Federal Law Enforcement
Applying for P.O.S.T. Certification** Director Paul D. Schultz
 - Proposal - Discussion of State Certification for Federal Officers – Retired (20 or more years of honorable service) agents of the FBI (includes FBI uniformed police), DEA, ATF, FPS, BIA, ICE, Border Patrol, US Postal Inspection Service and Secret Service (includes Secret Service uniformed division) would be required to attend and successfully complete the entire two week refresher course to become a P.O.S.T. Certified Peace Officer. No test outs would be allowed. If a retired Federal Agent did not pass the two week refresher course during the first attempt he/she would be required to attend an entire P.O.S.T. approved training academy in order to become a P.O.S.T. certified Peace Officer.
22. **Grant funding issues or concerns** Deputy Director Steve Neumeyer
Deputy Attorney General
Michael Dougherty
Sheriff James F. Faull
23. **Comments from others on P.O.S.T. issues**
24. **2012 P.O.S.T. Board meeting schedule:**
 - A. Friday June 8, 2012
Thursday and Friday September 27 and 28, 2012 (at a location TBD)
Friday December 7, 2012
25. **Adjournment**